

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT BASSETT,	:	
Plaintiff,	:	
v.	:	No. 2:13-cv-5583
	:	
SOCIAL SECURITY ADMINISTRATION,	:	
Defendant.	:	

**MEMORANDUM
Report and Recommendation, ECF No. 19- Adopted**

Joseph F. Leeson, Jr.
United States District Judge

November 19, 2015

I. Introduction

On September 23, 2013, Plaintiff sought review of the Commissioner of Social Security's decision denying his claim for supplemental security income. On June 4, 2014, after receipt of the parties' briefing, the matter was referred to Magistrate Judge Marilyn Heffley for a Report and Recommendation ("R&R"). On October 30, 2015, Magistrate Judge Heffley issued an R&R recommending that Plaintiff's request for review be denied. R&R, ECF No. 19. No objections have been filed and, for the reasons set forth below, the R&R will be adopted.

II. Standard of Review

When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987), writ denied 484 U.S. 837 (1987). "When no objections are filed, the

district court need only review the record for plain error or manifest injustice.” Harper v. Sullivan, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991); see also Oldrati v. Apfel, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge’s report and recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

III. Discussion

In the absence of objections, this Court has reviewed the record for plain error and has found none.

The R&R first outlines the factual and procedural background of the case, then sets forth the applicable standard of review. R&R 1-3. Magistrate Judge Heffley reviews the decision of the Administrative Law Judge (“ALJ”) and finds that the ALJ properly considered all the evidence and gave correct weight to the medical evidence. R&R 3-8. Magistrate Judge Heffley explains why the ALJ properly discredited Plaintiff’s testimony. R&R 8-11. The Magistrate Judge further concludes that the ALJ considered the testimony of a vocational expert regarding the number of jobs in the national economy that Plaintiff was capable of performing. R&R 11-12. Finally, Magistrate Judge Heffley finds that the ALJ’s decision is supported by substantial evidence and recommends that the request for review be denied. R&R 12.

After review and in the absence of objections, this Court will adopt the R&R.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge